



STATE OF NEW JERSEY
DEPARTMENT OF PERSONNEL

RICHARD J. CODEY
ACTING GOVERNOR

ROLANDO TORRES, JR.
ACTING COMMISSIONER

Merit System Board

**AGENDA OF REGULAR MEETING OF
THE MERIT SYSTEM BOARD
FEBRUARY 23, 2005**

**Rolando Torres, Jr., Acting Chairman
Flavella Branham
John Currie
Margaret E.L. Howard
Robert Long**

SECTION A – HEARING MATTERS

A-1 SETTLEMENTS

In the Matter of Polly Bowens
Vineland Developmental Center
Department of Human Services
Release at the end of the working test period

In the Matter of Joseph Patti
City of Passaic
Police Department
Suspension

In the Matter of Maria Pipitone
County of Monmouth
Department of Corrections and Youth Services
Resignation not in good standing and Removal

In the Matter of Cynthia Prisco
Department of Community Affairs
Discrimination

In the Matter of Adam Rivera
Cumberland County Board of Social Services
Removal

In the Matter of Khammee Rivera
Cumberland County Board of Social Services
Suspension

In the Matter of Raymond Rust
County of Monmouth
(2) Suspensions and Demotion

In the Matter of Tammy Taylor
Department of Labor
Removal

**RECOMMENDATION OF THE ADMINISTRATIVE LAW JUDGE IN THE ABOVE
CASES – SETTLEMENT**

ACTION:

A2 NEIL FAGAN

Neil Fagan, Computer Service Technician, Jersey City School District, release at the end of the working test period effective July 21, 2003.

Recommendation of the Administrative Law Judge – Dismiss the appeal.

ACTION:

A-3 EMILIANA RODRIGUEZ, TONI SANDERSON AND KANDACE SYKES

Emiliana Rodriguez, Toni Sanderson and Kandace Sykes, Clerk Typists, County of Essex appeal the good faith of their layoffs effective January 31, 2003, for reason of economy and efficiency.

Recommendation of the Administrative Law Judge – Grant motion for summary decision and uphold the layoffs.

ACTION:

A-4 GARY SHYNER

Gary Shyner, Correction Lieutenant, New Jersey State Prison, Department of Corrections, ten-day suspension on charges of violation of policy prohibiting racial and/or sexual harassment, discrimination and/or retaliation, conduct unbecoming a public employee, and verbal abuse of an inmate, patient, client, resident, or employee.

Recommendation of the Administrative Law Judge – Dismiss the appeal for lack of jurisdiction.

ACTION:

A-5 JANICE CLOYD

Janice Cloyd, Human Services Technician, Trenton Psychiatric Hospital, Department of Human Services, removal effective January 8, 2002, on the charge of verbal abuse of a patient.

Recommendation of the Administrative Law Judge – Modify the removal to a 120-day suspension.

ACTION:

A-6 ANTHONY GIARRUSSO

Anthony Giarrusso, Senior Correction Officer, East Jersey State Prison, Department of Corrections, removal effective May 27, 2003, on the charge of conduct unbecoming a public employee.

Recommendation of the Administrative Law Judge – Uphold the removal.

ACTION:

A-7 RAQUEL MORTON

Raquel Morton, Police Officer, City of Camden, Police Department, removal effective December 17, 2003, on charges of conduct unbecoming a public employee and violation of several Police Department rules and regulations regarding investigations.

Recommendation of the Administrative Law Judge – Grant summary decision and reverse the removal.

ACTION:

A-8 ERIC WOODS

Eric Woods, Police Officer, Township of Willingboro, Police Department, removal effective July 11, 2003, on the charge of a positive test for illegal drug use.

Recommendation of the Administrative Law Judge – Reverse the removal.

ACTION:

SECTION B – MISCELLANEOUS MATTERS

B-1 COREY D. CALDWELL

Corey D. Caldwell, represented by Benjamin Benson, Esq., appeals his rejection as a Police Officer candidate by the City of Elizabeth and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-2 CARMEN M. CARRILLO

Carmen M. Carrillo appeals the removal of her name from the (S9999A) eligible list for the title of Police Officer, City of Newark, on the basis of psychological unfitness.

ACTION:

B-3 ELIZABETH COTNER

Elizabeth Cotner appeals her rejection as a Correction Officer Recruit candidate by the Department of Corrections and its request to remove her name from the eligible list for Correction Officer Recruit (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-4 MICHAEL DECHRISTOFANO

Michael DeChristofano, represented by Philip A. Kahn, Esq., appeals his rejection as a County Correction Officer candidate by the County of Morris and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-5 JOSEPH DIDOMINICO

Joseph Didominico appeals his rejection as a County Correction Officer candidate by the County of Monmouth and its request to remove his name from the eligible list for County Correction Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-6 HENRY H. FRANCIS

Henry H. Francis appeals the removal of his name from the (S9999B) eligible list for the title of Correction Officer Recruit, Juvenile Justice Commission, on the basis of psychological unfitness.

ACTION:

B-7 JOEL GONZALEZ

Joel Gonzalez, represented by Vincent Scoca, Esq., appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer (S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-8 NICHOLAS HANNIBAL

Nicholas Hannibal appeals his rejection as a Police Officer candidate by the City of Newark and its request to remove his name from the eligible list for Police Officer

(S9999B) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-9 DAVID L. JONES

David L. Jones appeals the removal of his name from the (S9999D) eligible list for the title of Correction Officer Recruit, Department of Corrections, on the basis of psychological unfitness.

ACTION:

B-10 WILLIAM M. MCCANN

William M. McCann, represented by Daniel J. Zirrith, Esq., appeals his rejection as a Police Officer candidate by the Township of Irvington and its request to remove his name from the eligible list for Police Officer (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-11 ANTHONY PASQUALE

Anthony Pasquale appeals the removal of his name from the (S9999D) eligible list for the title of Police Officer, City of Hoboken, on the basis of psychological unfitness.

ACTION:

B-12 MARK SACRIPANTI

Mark Sacripanti appeals the removal of his name from the (S9999A) eligible list for the title of Correction Officer Recruit, Department of Corrections, on the basis of psychological unfitness.

ACTION:

B-13 MICHAEL SCARPIGNATO

Michael Scarpignato, represented by Donald Horowitz, Esq., appeals the removal of his name from the (S9999B) eligible list for the title of Sheriff's Officer, Hudson County, on the basis of psychological unfitness.

ACTION:

B-14 FRANK A. SICOLI, JR.

Frank A. Sicoli, Jr. appeals his rejection as a Correction Officer Recruit, Juvenile Justice, candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-15 RAY C. WHITE

Ray C. White, represented by Stephen B. Hunter, Esq., appeals his rejection as a Correction Officer Recruit, Juvenile Justice candidate by the Juvenile Justice Commission and its request to remove his name from the eligible list for Correction Officer Recruit, Juvenile Justice (S9999D) on the basis of psychological unfitness to perform effectively the duties of the position.

ACTION:

B-16 ALONA LYNN WILLIAMS

Alona Lynn Williams appeals the removal of her name from the (S9999B) eligible list for the title of County Correction Officer, Camden County, on the basis of psychological unfitness.

ACTION:

B-17 STEVEN RICHARDS

Steven Richards, a Correction Lieutenant at South Woods State Prison, Department of Corrections, represented by Robert Wagner, Union Representative, FOP Local 183, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-18 JANE SARNICKI

Jane Sarnicki, a Charge Nurse 12 Months in the Office of Education, Department of Human Services, appeals the denial of sick leave injury (SLI) benefits.

ACTION:

B-19 JOSE CRUZ

Jose Cruz appeals the decision of Human Resource Information Services, which upheld the removal of his name from the eligible list for Police Officer (S9999D), City of Trenton due to an unsatisfactory background report.

ACTION:

B-20 BRIAN NEWMAN AND RICHARD BURKETT

Brian Newman, represented by Samuel J. Halpern, Esq., and Richard Burkett, appeal the cancellation of a certification of the County Correction Sergeant (PC2513B), Bergen County, eligible list.

ACTION:

B-21 KAROL HENNESSEY

Karol Hennessey, a permanent part-time Omnibus Operator with the County of Gloucester, represented by Richard A. Dann, President, CWA Local 1085, petitions the Merit System Board for interim relief of her immediate suspension, effective November 1, 2004.

ACTION:

B-22 HAROLD BELLAMY

Harold Bellamy, a former Nursing Services Clerk at Trenton Psychiatric Hospital, Department of Human Services (DHS), appeals the determination of the Assistant Commissioner for Human Resources of the DHS, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violation of the New Jersey State Policy Prohibiting Discrimination, Harassment or Hostile Environments in the Workplace.

ACTION:

B-23 GLENN R. JONES

Glenn R. Jones, an Assistant Attorney General with the Department of Law and Public Safety, appeals the determination of the Chief of Staff of the Department of Law and Public Safety, stating that the appellant failed to present sufficient evidence to support a finding that he had been subjected to violations of the New Jersey State Policy Prohibiting Discrimination, Harassment, or Hostile Environments in the Workplace.

ACTION:

B-24 BRIAN ANDERSON

The appeal of Brian Anderson, a County Correction Officer with the County of Monmouth, of his removal effective October 17, 2001, on charges was heard by Administrative Law Judge Richard F. Wells (ALJ), who rendered his initial decision on December 22, 2004. At its meeting on January 26, 2005, the Merit System Board did not adopt the ALJ's recommendation to dismiss the charges but remanded the matter to the Office of Administrative Law for further proceedings. The matter is now presented to the Board for reconsideration of certain aspects of the written decision of remand.

ACTION:

B-25 LARRY HANKS

Larry Hanks, a former Juvenile Detention Officer with the County of Essex, represented by John D. Feeley, Esq., petitions the Merit System Board for reconsideration of the decision, rendered on April 7, 2004, in which the Board dismissed his appeal for lack of prosecution.

ACTION:

B-26 JOSEPH SCHMIDT

The Higher Education Student Assistance Authority, represented by Sarah T. Darrow, Deputy Attorney General, petitions the Merit System Board for reconsideration of the

decision rendered on September 8, 2004, which granted a hearing at the Office of Administrative Law to Joseph Schmidt, a former Project Coordinator, Computer Planning and Information with the appointing authority.

ACTION:

B-27 ANGELA WILLIAMS

The Department of Corrections requests reconsideration of the decision of the Merit System Board rendered on June 23, 2004, granting Angela Williams, a Senior Correction Officer, back pay benefits, seniority and reasonable counsel fees.

ACTION:

B-28 CUSTOMER SERVICE REPRESENTATIVE (M0400E), CITY OF EAST ORANGE WATER DEPARTMENT

The appointing authority's failure to dispose of the certification for Customer Service Representative (M0400E), City of East Orange Water Department, while three provisionals are serving in the title, has been referred to the Merit System Board for enforcement.

ACTION:

B-29 SENIOR ENGINEER (M0455E), CITY OF EAST ORANGE

The appointing authority's failure to dispose of the certification for Senior Engineer (M0455E), City of East Orange, while a provisional is serving in the title has been referred to the Merit System Board for enforcement.

ACTION:

B-30 JAMES DICKINSON

James Dickinson, an Assistant District Parole Supervisor with the New Jersey State Parole Board, represented by Roderick T. Baltimore, Esq., petitions the Merit System Board (Board) for a stay of his 30-day suspension pending the outcome of his appeal to the Board.

ACTION:

B-31 JOSEPH RENNA

Joseph Renna, a Public Participation Specialist with Union County, represented by Richard C. Wischusen, Esq., requests counsel fees in accordance with the Merit System Board decision rendered on August 11, 2004, which reversed the appellant's 45-day suspension and awarded mitigated back pay and reasonable counsel fees.

ACTION:

B-32 DAVID FIGUEROA

The appeal of David Figueroa, a Police Officer with the City of Newark (City), of his 10-day suspension, six-month suspension, and removal effective February 20, 2001, on charges, was heard by Administrative Law Judge Margaret M. Monaco (ALJ), who rendered her initial decision on December 27, 2004. At its meeting on February 9, 2005, the Merit System Board (Board), adopted the ALJ's recommendation to reverse the 10-day suspension, and to uphold the six-month suspension and the removal. The proposed decision is now submitted for the Board's review.

ACTION:

B-33 LINDA A. BARRY

Linda A. Barry appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Management Assistant (PS0154T), Department of Transportation.

ACTION:

B-34 EILEEN A. BREEN

Eileen A. Breen appeals the decision of the Division of Selection Services which found her to be below the minimum requirements in experience for the promotional examination for the Senior Clerk Typist (PS1582J), William Paterson University.

ACTION:

B-35 MICHAEL CALDERONE

Michael Calderone appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Assistant Public Works Superintendent (PM0403F), Township of Saddle Brook.

ACTION:

B-36 ARLENE DAVISON, ET AL.

Arlene Davison, Sandra Gagnon, Ruth Samonski, and Robert Swanson appeal the determinations of the Division of Selection Services that they did not meet the education and experience requirements for the promotional examination for Coordinator, Division of Motor Vehicles (PS0509T), Department of Transportation.

ACTION:

B-37 JENNIFER ERBER AND KELLY BENUCCI

Jennifer Erber and Kelly Benucci appeal the determinations of the Division of Selection Services which found that they did not meet the experience requirements, or the education and experience requirements, for the promotional examination for Technical Assistant, Personnel (PS2445I), Department of Corrections.

ACTION:

B-38 ANEL FELICIANO

Anel Feliciano appeals the determination of the Division of Selection Services which found that he did not meet the experience requirements for the open competitive examinations for Storekeeper 2 (S0321F), Medical Record Clerk (M0652F), Newark and Community Relations Specialist (M6662F), Newark.

ACTION:**B-39 LISA GOFF**

Lisa Goff appeals the determination of the Division of Selection Services which found that per the substitution clause for education, she was below the minimum requirements in experience for the promotional examination for Standards and Procedures Technician (PS1844I), Department of Corrections.

ACTION:**B-40 JOHN HERALD**

John Herald appeals the determination of the Division of Selection Services that he did not meet the requirements for the open-competitive examination for Range Master (M9394F), City of Paterson.

ACTION:**B-41 CARLA M. LEWIS**

Carla M. Lewis appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, she did not meet the experience requirements for the promotional examination for Management Assistant (PS1794F), Department of Education.

ACTION:**B-42 EDWARD MILLERICK**

Edward Millerick appeals the determination of the Division of Selection services which found that he was below the minimum requirements in education for the promotional examination for Program Development Specialist 1, Occupational Environmental Health (PS2537H), Department of Health and Senior Services.

ACTION:**B-43 JOHN MOORE, ET AL.**

John Moore, Thomas Baldwin, Rick Pagnani and Charles Mars appeal the determinations of the Division of Selection Services which found that they were below the minimum requirements in education and/or experience for the open competitive examination for Coordinator, Emergency Telecommunications Systems (S6762F), State of New Jersey.

ACTION:

B-44 MICHAEL E. OBAL, JR.

Michael E. Obal., Jr. appeals the determination of the Division of Selection Services which found that, per the substitution clause for education, he was below the minimum requirements in experience for the promotional examination for Management Specialist (PC09767F), Burlington County Board of Social Services.

ACTION:

B-45 PATRICK O'CONNOR

Patrick O'Connor appeals the determination of the Division of Selection Services that he did not meet the experience requirement for the open-competitive examination for Behavior Modification Program Technician (S0278F), Statewide.

ACTION:

B-46 PERSIA WALLACE

Persia Wallace appeals the determination of the Division of Selection Services that she did not meet the requirements for the open-competitive examination for Public Health Representative 3 (Bilingual in Spanish and English) (S0320F), Statewide.

ACTION:

B-47 WILLIAM MORGAN

William Morgan appeals the determination of the Division of Selection Services that he did not meet the requirements for the promotional examination for Senior Repairer (PS1339K), Department of Human Services.

ACTION:

B-48 HATHA BARAKA, ET AL.

Hatha Baraka, Marvin Blevins, Cathy Buchannan, Mark Dempsey, David Harrity, John Kinnan, Rubin Ortiz, John Swayne, and Thomas Titus appeal the promotional examination for Correction Captain (PS8784I), Department of Corrections.

ACTION:

B-49 PRISCILLA ALVARADO

Priscilla Alvarado appeals the administration of the open competitive Entry Level Law Enforcement Examination (LEE) (S9999F).

ACTION:

B-50 DENNIS KEENAN AND JOSEPH SAVOIA

Dennis Kennan and Joseph Savoia appeal the test administration for the promotional examination for Fire Captain (PM3513F), Jersey City.

ACTION:

B-51 FRED CARSON

Fred Carson appeals the denial of his request for a make-up examination for the promotional examination for Correction Sergeant, Juvenile Justice (PS0138P), Juvenile Justice Commission.

ACTION:

B-52 PATRICIA DEBAECKE

Patricia DeBaecke requests a make-up for the promotional examination for Head Data Entry Machine Operator (PS8773U), Department of the Treasury.

ACTION:**B-53 JEFFREY GRAY**

The Borough of Roselle requests that the Merit System Board amend the March 13, 2001 certification for Police Lieutenant (PM2607A) to reflect the appointment of Jeffrey Gray as a Police Lieutenant effective October 1, 2002.

ACTION:**B-54 MICHELLE GREAVES**

Michelle Greaves appeals the determination of the Division of Selection Services denying her request for a make-up for the promotional examination for Administrative Analyst 4 (Data Processing) (PS8309P), Division of State Police.

ACTION:**B-55 SHERIFF'S OFFICER SERGEANT (PC2635D), HUDSON COUNTY**

Gino DelCollo, represented by Matthew Connolly, Esq., Fred Harden, represented by Donald Souders, Jr., Esq., Thomas Mitchell, represented by Anthony Fusco, Esq., and John Ramos, represented by John Young, Jr., Esq., appeal the determination of the Division of Selection Services to disqualify them from the promotional examination for Sheriff's Officer Sergeant (PC2635D), Hudson County.

ACTION:**B-56 SHERIFF'S OFFICER SERGEANT (PC2514A), HUDSON COUNTY**

Jose Gonzalez, represented by Michael P. Koribanics, Esq. and James M. Mets, Esq., contends that Gino DelCollo, represented by Matthew Connolly, Esq., provided test content to Christian Araujo, represented by Allan Zark, Esq., prior to taking a make-up examination for Sheriff's Officer Sergeant (PC2514A), Hudson County.

ACTION:**B-57 FIRE CHIEF (PM3608F), CITY OF ASBURY PARK**

Thomas P. Canzanella, President of the Professional Firefighters Association of New Jersey, appeals the determination of the Division of Selection Services, which denied his

request for a postponement of the Fire Chief (PM3608F), City of Asbury Park, promotional examination.

ACTION:

B-58 JAMIE CICERONE

Jamie Cicerone, represented by Daniel Zirrit, Esq., requests reconsideration of the decision rendered on December 1, 2004 by the Merit System Board which found her to be psychologically unfit for a position as a Police Officer (S9999D), Township of West Orange.

ACTION:

B-59 MERIT SYSTEM BOARD MINUTES

The Merit System Board minutes of its meeting of February 9, 2005 are submitted for adoption.

ACTION: